

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 11-01318 DOC-E

Date: September 19, 2011

Title: RONALD MICHAEL ISKENDERIAN v. JPMORGAN CHASE BANK NATIONAL
ASSOCIATION, ET AL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS:

NONE PRESENT

NONE PRESENT

PROCEEDING (IN CHAMBERS): ORDER TO SHOW CAUSE RE: REMOVAL TO
BANKRUPTCY COURT

Plaintiff Ronald Michael Iskenderian ("Plaintiff") has filed with the Court a "Notice of Removal," seeking to remove the present case to bankruptcy court. Notice of Removal, Sep. 7, 2011. This purported "Notice of Removal," however, has no practical effect. With his filing of a "Notice of Removal" to bankruptcy court, Plaintiff appears to proceed as if he believes himself to be removing a case from state to federal court. The relationship between district court and bankruptcy court jurisdiction, however, is not analogous to the relationship between state court and federal court jurisdiction. A bankruptcy court and a district court are courts within the same judicial district. As the Central District of California has held when confronted with this issue, a party cannot "remove a lawsuit pending in federal district court to the same district court where the lawsuit is already pending." *In Re Mitchell*, 206 B.R. 204, 210-11 (C.D. Cal. 1997) (stating that interpreting the statute to allow for this kind of removal – from a district court to a bankruptcy court within the same district – would yield a "logically idiotic result."). Rather, the proper procedure to be employed in requesting transfer of a case to a bankruptcy judge is as follows: the party seeking the transfer to a bankruptcy court must file a motion in front of the district court requesting that the district judge refer the lawsuit to the bankruptcy court for further proceedings. *Id.* In this case, Plaintiff has made no such motion. All that has been filed is a procedurally meaningless "Notice of Removal" – a document with no practical effect.

Plaintiff is hereby ORDERED to show cause why the "removed" district court action

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Initials of Deputy Clerk _____
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should not be remanded to this Court as having been improperly removed.

The Clerk shall serve a copy of this minute order on counsel for all parties in this action